



Department of Justice

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DOJ, FTC AND STATES ANNOUNCE PROTOCOL FOR COOPERATION ON MERGER INVESTIGATIONS

WASHINGTON, D.C. -- The Department of Justice, the Federal Trade Commission and the National Association of Attorneys General today released a protocol under which federal and state antitrust enforcers will cooperate on merger investigations.

Merger transactions are often the subject of simultaneous investigations by either the DOJ or the FTC and one or more State Attorneys General. These numerous investigations can result in duplicative, overlapping and sometimes inconsistent requests for information.

The protocol, which reduces to writing the procedures that the Department and the FTC staff and states have been following in recent years, is designed to avoid unnecessary duplication. It is intended to reduce the compliance costs of merging parties and conserve scarce federal and state enforcement resources.

The protocol:

- Lists the specific steps for maintaining the confidential status of the information shared.
- Details the procedures under which the Department and FTC will provide the State Attorneys General with certain types of sensitive information.
- Sets out guidelines for conducting joint investigations, emphasizing the importance of the agencies collaborating closely with respect to the settlement process.
- Addresses how the agencies should coordinate the release of information to the news media.

"I am proud of the effective partnership the Antitrust Division has forged with State Attorneys General to enforce our nation's antitrust laws," said Joel I. Klein, the Department's Assistant Attorney General in charge of the Antitrust Division. "Increased coordination with State Attorneys General benefits the public through more efficient and consistent antitrust enforcement."

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